

CALIFORNIA APPRENTICESHIP COUNCIL
INITIAL STATEMENT OF REASONS
FOR PROPOSED ACTION TO AMEND
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,
SECTION 212.01.

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INITIAL STATEMENT OF REASONS

PURPOSE AND RATIONALE:

The California Apprenticeship Council ("Council") is charged with authority under Labor Code section 3071 to issue rules and regulations regarding the standards governing apprenticeship programs registered to operate under the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code ("Shelley-Maloney Act"). Labor Code section 3073.2 further authorizes the Council to adopt uniform training criteria for each industry subject to apprenticeship, and require its registered programs to include that criteria in its apprenticeship standards.

Tit. 8, California Code of Regulations, section 212.01 ("Regulation 212.01") is the regulation by which the Council has implemented Labor Code section 3073.2. The Council has adopted amendments to Regulation 212.01 to make a number of clarifications as follows:

The proposed amendments to subsection (a) of Regulation 212.01 clarify that the Council may adopt training criteria as established by a particular industry training committee, but is not required to adopt such criteria. The proposed amendments also restrict existing language providing for the Council to adopt training criteria independent of the industry training committee to those situations where the committee cannot establish such criteria. Other language changes have been made to provide for clarity and consistency in terminology.

The proposed amendments to subsection (b)(1) of Regulation 212.01 make the following changes. First, industry training committees are required to be set up for the construction-industry crafts and trades, but for the non-construction industry crafts or trades, setting up the committees is at the discretion of the Chair of the Council. Uniform training criteria in the construction industry trades and crafts is regarded as particularly needed due to controversies and issues in this area. Second, the total number of members needed to form a training committee has been reduced to eight. There has been some difficulty in obtaining the total number of twelve members currently required by the regulation, and eight is considered an adequately large number to constitute the minimum number of members for the committees. The amendments also allow for a greater number of members, so long as they continue to be appointed in the specified ratios of the various types of representatives involved. Third, clarifying language is being added to explicitly state that committee members shall be appointed from members proposed by apprenticeship programs registered to operate under the Shelley-Maloney Act. Fourth, a procedure and timeline is provided by which the Chair of the Council shall form the training committee with the participation of the subject programs. This also clarifies how committee members will be appointed when the subject programs do not propose a sufficient number of candidates.

The proposed amendments to subsection (b)(2) add a subsection to define what constitutes committee action and what constitutes quorum at a committee meeting.

The proposed amendments to subsection (b)(3) make language changes for purposes of clarity and consistency which do not change the substance of the subsection (*i.e.*, former subsection (b)(2)).

The proposed amendments to subsection (b)(4) make language changes for purposes of clarity and consistency which do not change the substance of the subsection (*i.e.*, former subsection (b)(3)).

The proposed amendments to subsection (b)(5) is changed to provide that the Council may extend the deadline for the committee to formulate industry training criteria, that the Council is to use best efforts to complete its review of criteria submitted by the committee by the second regular Council meeting thereafter, and that if the Council rejects the committee's formulation, it will return the submission with a new deadline for resubmission as well as its written reasons.

The proposed amendments to subsection (c) make language changes for purposes of clarity and consistency which do not change the substance of the subsection.

The proposed amendments to subsection (d) make language changes for purposes of clarity and consistency which do not change the substance of the subsection. They also clarify that programs subject to the state-wide minimum training criteria are those approved or proposed for approval under the Shelley-Maloney Act, and do not include programs outside the jurisdiction of the Council.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

The proposed action does not mandate the use of specific technologies or equipment.

TECHNICAL, THEORETICAL, EMPIRICAL, OR OTHER STUDIES:

The proposed action is not based on a consideration of any technical, theoretical, empirical or other studies.

ALTERNATIVES:

The Council has not formally considered alternatives to the proposed action. The public is invited to provide comments and suggestions regarding alternatives during the comment period. The proposed action is not expected to have an adverse impact on small business.